

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—DECEMBER 15, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, December 15th, A. D. 1879, at seven o'clock, in regular session.

PRESENT—Hon. John Caven, Mayor, and, *ex officio* President of the Common Council, in the chair, and 21 members, viz.: Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, Van-Vorhis, and Wiese.

ABSENT, 4—viz. Councilmen Bryce, Pearson, Sheppard, and Wood.

The Proceedings of the Common Council, for the regular session, held on December 1st, 1879, having been printed, and placed on the desks of the Councilmen, said journals were approved as published.

Sealed proposals for making the below-described improvements, were opened, read, and referred to the Committees on Contracts :

- (S. O. 27, 1879.) For grading, and paving with brick, the west sidewalk of Maple street, between Ray and McCarty streets.
- (S. O. 56, 1879.) For paving with brick and curbing with stone the sidewalks, and bowldering the gutters of McCarty street, from Delaware street, west, to the Jeffersonville, Madison & Indianapolis Railroad tracks.
- (S. O. 63, 1879.) For improving John street, from Peru avenue to Massachusetts avenue, by grading and graveling the roadway and sidewalks thereof.
- (S. O. 64, 1879.) For grading and bowldering the south gutter of St. Clair street, from Massachusetts avenue to the west line of lot 2, in out-lot 42.
- (S. O. 65, 1879.) For grading, and paving with brick (where not already paved), the east sidewalk of Park avenue, between Cherry street and Christian avenue.

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was received, and the estimates (presented therewith) were severally approved :

To the Common Council and Board of Aldermen of the City of Indianapolis:

Gentlemen.:—I herewith report the following estimates:

A first and final estimate in behalf of James Mahoney, for grading and graveling the first alley east of Virginia avenue, from Elk street to Dillon street—

474 lineal feet, at 13½ cents..... \$ 63 99

A first and final estimate in behalf of James Mahoney, for grading and graveling the first alley north of Woodlawn avenue, from Dillon street to Olive street—

880 lineal feet, at 14 cents..... \$ 123 20

A first and final estimate in behalf of E. B. Elliott, for grading, and paving with brick (except where already paved), the west sidewalk of Noble street, from Fletcher avenue to Huron street—

160 lineal feet, at 29 cents..... \$ 46 40

A first and final estimate in behalf of Fred. Gansberg, for grading and graveling Shelby street, from the southern terminus of Virginia avenue to Colgrove street—

10,417.16 lineal feet, at 53 cents..... \$5,521 09

Repairing sidewalks..... 60 00

Rip-rap wall at creek..... 5 00

Total estimate..... \$5,586 09

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution was then read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate, in behalf of James Mahoney, for grading and graveling the first alley east of Virginia avenue, from Elk street to Dillon street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

A YES, 17—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Kahn, King, Lamb, McGinty, McKay, O'Connor, Prier, Rooker, Tucker, VanVorhis, and Wiese.

NAYS—None.

The following estimate resolution was also read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of James Mahoney, for grading and graveling the first alley north of Woodlawn avenue, from Dillon street to Olive street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote:

A YES, 17—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Kahn, King, Lamb, McGinty, McKay, O'Connor, Prier, Rooker, Tucker, VanVorhis, and Wiese.

NAYS—None.

The following estimate resolution was also read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of E. B. Elliott, for grading, and paving with brick (except where already paved), the west sidewalk of Noble street, from Fletcher avenue to Huron street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote :

AYES, 17—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Kahn, King, Lamb, McGinty, McKay, O'Connor, Prier, Rooker, Tucker, VanVorhis, and Wiese.

NAYS—None.

The following estimate resolution was also read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of Fred. Gansberg, for grading and graveling Shelby street, from the southern terminus of Virginia avenue to Colgrove street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was adopted by the following vote :

AYES, 17—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Kahn, King, Lamb, McGinty, McKay, O'Connor, Prier, Rooker, Tucker, VanVorhis, and Wiese.

NAYS—None.

The City Civil Engineer submitted the following report ; which was received :

To the Common Council of the City of Indianapolis :

Gentlemen :—I was instructed to prepare and introduce a new ordinance providing for the improvement of Highland street and I herewith present a special ordinance entitled "An Ordinance to provide for grading and graveling the sidewalks and roadway, and bowldering and curbing with stone the gutters of Highland street, from Washington street to the north line of Ohio street.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following entitled ordinance was read the first time :

S. O. 75, 1879—An Ordinance to provide for grading and graveling the sidewalks and roadway, and bowldering, and curbing with stone the gutters, of Highland street, from Washington street to the north line of Ohio street, and repealing S. O. 48, 1878.

The City Clerk submitted the following report which was concurred in :

To the Mayor, Common Council, and Board of Aldermen:

Gentlemen:—I herewith report the following affidavits, now on file in my office, for the collection of street assessments by precepts, to-wit:

David A. Haywood vs. Nava M. Allen, for.....	\$ 12 20
David A. Haywood vs. Nava M. Allen, for.....	12 20

and recommend that you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk,

And the precepts were ordered to issue by the following vote:

AYES, 17—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Tucker, Van Vorhis, and Wiese.

NAYS—None.

The City Clerk presented the following report; which was received, and the appointment confirmed:

Indianapolis, December 10, 1879.

To the Mayor, Common Council, and Board of Aldermen of the City of Indianapolis:

Gentlemen:—In accordance with the provisions of General Ordinance No. 68, 1879, I have this day appointed Wm. C. Phipps as a deputy, to perform the duties required by said ordinance, and respectfully recommend that your honorable bodies confirm such appointment.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The City Clerk presented the following order of the Marion County Circuit Court; which was received:

STATE OF INDIANA, *Marion County*, ss:

Be it Known, That on the 3d day of December, 1879, being the third Judicial day of the December Term, 1879, of the Circuit Court of Marion County, held at the Court House in the City of Indianapolis, County of Marion, and State of Indiana, before the Honorable Joshua G. Adams, Judge of said Court, the following proceedings were had in the matter of the appointment of City Commissioners of the City of Indianapolis:

Comes now John A. Henry, Attorney of the City of Indianapolis, and files the certificate of Joseph T. Magner, Clerk of said City of Indianapolis, as follows (here insert), from which it appears to the satisfaction of the Court that Lyman W. Mix, one of the City Commissioners in and for said City of Indianapolis, heretofore, to-wit, on the 26th day of May, 1879, appointed by this Court, has tendered his resignation as such Commissioner, and the same has been accepted by the Common Council and Board of Aldermen of said city, the said resignation of the said Lyman W. Mix as such City Commissioner is now also accepted by the Court.

It further appearing to the satisfaction of the Court that certain supposed irregularities exist in reference to the appointment and qualifications of said other City Commissioners of said city, appointed on the said 26th day of May, 1879: Now, therefore, for the purpose of filling the vacancy in said Board of City Commissioners, occasioned by the resignation of the said Lyman W. Mix as aforesaid, and for a purpose of correcting any and all irregularities in reference to the appointment said other Commissioners, as well as any and all irregularities that may exist as manner or time in which said Commissioners qualified, and pursuant to the law such case made and provided; It is ordered and directed by the Court, that

William Hadley, George W. Hill, James C. Yohn, Newton Kellogg, and Michael Steinhauer, freeholders and residents of the said City of Indianapolis, be, and they are hereby, appointed City Commissioners in and for the said City of Indianapolis, Marion County, Indiana, to serve for the term of one year from the 26th day of May, 1879, and until their successors are appointed and qualified. And the Clerk of this Court is ordered to transmit forthwith to the Clerk of said city, a certified copy of this order, who is authorized to issue certificates accordingly.

STATE OF INDIANA, *Marion County*, ss:

I, Daniel M. Ransdell, Clerk of the Circuit Court of Marion County, in the State of Indiana, do hereby certify that the foregoing is a true and complete copy of the proceedings had in said Court, and entered on the records thereof, in the above entitled cause, on the day and year first aforesaid, as appears of record in my office.

In Testimony Whereof, I hereunto subscribe my name and affix the Seal of said Circuit Court, at my office, in the City of Indianapolis, this 3d day of December, 1879.

DANIEL M. RANSELL,
Clerk Circuit Court Marion County.

By Wm. C. Smock, Deputy.

The City Attorney submitted the following report; the first clause was received, and the second clause referred to the Joint Committees on Judiciary and City Attorney:

Indianapolis, December 15, 1879.

To the Mayor, Common Council, and Board of Aldermen of the City of Indianapolis:

Gentlemen:—Since your last regular meeting, in the case of *The State ex rel Maria Tieman et al. vs. The City*, the Superior Court, in Special Term, has sustained the demurrer of the city to the alternate writ of mandate.

This was an action to compel the city to refund certain taxes alleged to have been illegally assessed and collected from the relators.

It was claimed on behalf of the relators that the property, upon which the taxes were assessed, was exempt from taxation under 8th clause of section 7 of the Act December 21st, 1872 (see Acts of 1872-3, page 59), which provides that five hundred dollars of the estate of a widow and an unmarried female, when their whole estate does not exceed one thousand dollars, shall be exempt from taxation.

In behalf of the city I raised the question as to the constitutionality of the above law, and the Court, after careful consideration of the question, held the law unconstitutional and sustained the demurrer to the writ.

As a result of this decision, the city not only can not be compelled to refund said taxes, or any others of like character, but the city can assess and compel the payment of taxes upon that portion of the property of widows and unmarried females which has of late been exempt from taxation upon the supposed validity of said law.

2d. I also desire to call your attention to the fact that in the case of *The City vs. George W. Scott et al.* the defendants have obtained a change of the venue of said cause to Hendricks county.

This is an action to recover possession of the South Park, and the trial of the cause in another county will be attended with considerable expense, which will doubtless have to be paid by the city if the defendants should prove insolvent, and in view of the fact that the defendants have signified their willingness to pay the back rent, to-wit, one hundred dollars, which matured September 1st, 1879, and also pay the rent in the future, provided they are permitted to remain in possession of the property, I have thought it best to report these facts for such action thereon as you may deem proper.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The City Civil Engineer and Committee on Streets and Alleys submitted the following reports :

To the Common Council of the City of Indianapolis :

Gentlemen:—Upon the report of the City Clerk of certain affidavits for collection of street assessments, referred to me, I would report as follows :

It seems that the reference is made on complaint that the first alley north of Maryland street, from Benton street to the first alley east of Benton street, is improved according to contract. The alley in question is graded to its full width, though it presents a curved appearance from the fact of the grading being extended beyond the line on the south side at either end of said alley and beyond the north line about the middle. The work is done according to contract, and there exists no good cause for complaint.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

Your Committee on Streets and Alleys are of the opinion that the work mentioned in the report of the City Civil Engineer herein, is improperly done, and that no precepts ought to issue till said work is properly completed.

Very respectfully,

Jno. T. Downey,
C. H. Harmening,
John O'Connor,
Committee on Streets and Alleys.

On motion by Councilman Lamb, the Engineer's report was received, and the committee's report concurred in.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, Mayor Caven, submitted the following report; which was approved :

Indianapolis, December 15, 1879.

To the Common Council and Board of Aldermen, of the City of Indianapolis :

Gentlemen:—The amount of fines collected by me during the month of November, 1879, due the city treasury, was \$42.30; which amount I have paid to the City Treasurer, and filed his receipt therefor with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

His Honor, Mayor Caven, presented the following petition; which was referred to the Joint Committees on Judiciary and City Attorney :

Indianapolis, December 15, 1879.

Mr. Chairman, and Gentlemen of the Council :

I beg pardon, and will say but few words, not wishing to intrude on your time. To my sorrow, I have been compelled to pay three years' delinquent taxes, and I find upon investigation the property has been most erroneously assessed. Could I explain right here, I am sure you would agree with me. I do most earnestly ask you to give a rebate of taxes to me. I feel it is right and just—I only ask for my own. Please give me thirty-five dollars. I will go before any committee and explain.

MRS S. COLLINS.

REPORTS, ETC., FROM OFFICIAL BOARDS.

The Fire Board and Committees on Water, through Councilman Tucker, submitted the following report and resolutions; which report was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Joint Committees on Water, together with the Fire Board and Chief of Fire Department, at a joint meeting held December 13th, 1879, to examine into the further extension of water mains, would most respectfully recommend the passage of the following resolutions:

Resolved, 1st. That no further extension of water mains be ordered, unless it be understood that the city take but one fire-plug on an average of 1,000 feet to each plug.

2d. That the Water-Works Company be, and are hereby, directed and ordered to lay water mains, with not less than 6 inch pipe, on the following routes (fire-plugs to be put in on an average of 1,000 feet apart):

Route No. 1—From corner Nebraska street and Madison avenue, thence east to East street, thence north on East to Coburn and East streets, connecting with East street main.

Route No. 2—From corner of Tennessee and Seventh (7th) streets, thence west on Seventh to Tile Works—one plug only on this route.

The above plugs to be located by Chief of Fire Department.

Most respectfully submitted,

James T. Layman,
W. H. Tucker,
John R. Pearson,
Fire Board.
John G. Pendergast,
Chief Fire Engineer.

T. E. Chandler,
Henry Coburn,
Hiram Seibert,
M. H. McKay,
M. L. Brown,
Committees on Water.

The resolutions were adopted by the following vote:

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS—None.

The Board of Public Improvements, through Councilman McKay, submitted the following report; which was read, and the several recommendations concurred in:

To the Mayor, Common Council, and Board of Aldermen of the City of Indianapolis:

Gentlemen:—Your Board of Public Improvements, to whom was referred sundry papers, make the following report thereon:

First. Is a motion that the Street Commissioner fill the chuck-holes on Noble street, between Washington and Market streets.

We recommend the work be done.

Second. Is a motion that the Street Commissioner clean the west gutter of West street, from North to First street.

We recommend the work be done.

Third. Is a motion that the Street Commissioner clean the gutters on Chesapeake alley, between West street and the first alley east.

We recommend the work be done.

Respectfully submitted,

M. H. McKay,
J. L. Bieler,
Board of Public Improvements.

By consent, Councilman McKay introduced the following entitled ordinance, which was read the first time :

Ap. O. 81, 1879—An Ordinance appropriating money for the payment of a certain claim against the City of Indianapolis, in favor of J. L. Spaulding.

By consent, Councilman Kahn introduced the following entitled ordinance ; which was read the first time :

Ap. O. 82, 1879—An Ordinance appropriating money for the payment of the Salaries and Compensations of City Officers, City Janitor, and officers and members of the Fire and Police Departments.

On motion by Councilman McKay, the rules were suspended by the following vote, for the purpose of placing the above entitled ordinances on their second and third reading and final passage, viz. :

AYES, 18—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Shilling, VanVorhis, and Wiese.

NAYS—None.

Ap. O. 81, 1879—An Ordinance appropriating money for the payment of a certain claim against the City of Indianapolis, in favor of J. L. Spaulding.

Was read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS—None.

Ap. O. 82, 1879—An Ordinance appropriating money for the payment of the Salaries and compensations of City Officers, City Janitor, and officers and members of the Fire and Police Departments.

Was read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS—None.

The Board of Health submitted the following report ; which was received :

Report of Deaths in the City of Indianapolis, from December 1st to 15th, 1879.

Under 1 year	22
1 to 2 years	1
2 to 5 "	8
5 to 10 "	4
10 to 15 "	2
15 to 20 "	1
20 to 25 "	3
25 to 30 "	2
30 to 40 "	5
40 to 50 "	3
50 to 60 "	3
60 to 70 "	4
70 to 80 "	2
80 to 90 "	3
90 to 100 "	1
100 and upwards	0
Unknown	1
Total	65

Henry Jameson, M. D., President.

W. E. Jeffries, M. D., Secretary.

Board of Health.

PENDING ORDINANCES.

The following entitled ordinance was taken up on its second reading :

G. O. 63, 1879—An Ordinance to amend section 8 of an ordinance entitled "An Ordinance to establish a Dispensary in the City of Indianapolis, to be known as the City Dispensary, and to provide for the government and management thereof."

The question being on its engrossment, the ayes and nays were demanded, which being had, said ordinance failed to be engrossed by the following vote :

AYES, 10—viz. Councilmen Bieler, Brown, Carey, Dowling, Hamilton, Morrison, McGinty, McKay, Tucker, and VanVorhis.

NAYS, 11—viz. Councilmen Bermann, Downey, Harmening, Kahn, King, Lamb, O'Connor, Prier, Rooker, Shilling, and Wiese.

The following entitled ordinance was read the second time, ordered to be engrossed, and read the third time :

G. O. 56, 1879—An Ordinance to provide for the prevention of frauds in the sale of Grain, Hay, and Produce in the City of Indianapolis.

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS—None.

The following entitled ordinance was read the second time, ordered to be engrossed, and read the third time :

G. O. 57, 1879—An Ordinance granting J. B. & G. A. Dickson a special license on account of "The Park Theatre."

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS—None.

By consent, Councilman Dowling presented the following remonstrance ; which, together with S. O. 72, 1879, was referred to the Committee on Streets and Alleys :

To His Honor, the Mayor, and the Common Council, and
Board of Aldermen of the City of Indianapolis :

Gentlemen :—Your petitioners, owning real estate fronting on the line of the proposed improvement herein named, respectfully remonstrate against the passing of an ordinance for paving with brick the sidewalk on the south side of Kentucky avenue, between West and Merrill streets. The real difficulty of said sidewalk is, at the point on Kentucky avenue where it intersects Eckert and Sharpe streets, the crossing of the sidewalk at this particular point being cut up and ground by the passing of teams and wagons, so as to render the walk in wet weather muddy and disagreeable, and which can not be remedied by a brick pavement, but by a stone flagging. Your petitioners further state that the sidewalk is not needed, at least not farther south than Sharpe street.

John Rupp, 130 feet.

Patrick Conlen, 150 feet.

J. V. McKernan, agent, 208 feet.

The following entitled ordinance was read the second time, ordered to be engrossed, and read the third time :

S. O. 57, 1879—An Ordinance to provide for grading and graveling (where not already improved), the sidewalks of Shelby street, from the southern terminus of Virginia avenue to Raymond street.

And it was passed by the following vote :

AYES, 21—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS—None.

The following entitled ordinance was read the second time, and referred to the Joint Committees on Sewers and Drainage :

G. O. 58, 1879—An Ordinance amending section 2 of an ordinance entitled "An Ordinance to provide for Tapping Public Sewers and Drains, and making connection therewith," ordained October 30th, 1871.

Councilman Rooker moved to reconsider the vote by which G. O. 63, 1879, failed to be engrossed [see page 737, *ante*].

Which motion was adopted by the following vote :

AYES, 12—viz. Councilmen Bermann, Bieler, Brown, Carey, Hamilton, Kahn, Morrison, McGinty, McKay, Rooker, Tucker, and VanVorhis.

NAYS, 9—viz. Councilmen Dowling, Downey, Harmening, King, Lamb, O'Connor, Prier, Shilling, and Wiese.

General Ordinance 63, 1879, was then taken up on its second reading, and ordered to be engrossed by the following vote :

AYES, 11—viz. Councilmen Bermann, Bieler, Brown, Carey, Hamilton, Kahn, Morrison, McKay, Rooker, Tucker, and VanVorhis.

NAYS, 10—viz. Councilmen Dowling, Downey, Harmening, King, Lamb, McGinty, O'Connor, Prier, Shilling, and Wiese.

G. O. 63, 1879—An Ordinance to amend section 8 of an ordinance entitled "An Ordinance to establish a Dispensary in the City of Indianapolis, to be known as the City Dispensary, and to provide for the government and management thereof.

Was read the third time, and passed by the following vote :

AYES, 13—viz. Councilmen Bermann, Bieler, Brown, Carey, Dowling, Hamilton, Kahn, Morrison, McGinty, McKay, Rooker, Tucker, and VanVorhis.

NAYS, 8—viz. Councilmen Downey, Harmening, King, Lamb, O'Connor, Prier, Shilling, and Wiese.

The following entitled ordinance (introduced in, and passed by the Board of Aldermen, October 8th, 1879), was read the second time :

G. O. 54, 1879—An Ordinance to prevent horses or other animals or vehicles from standing within ten feet of any drinking fountain in the City of Indianapolis, except while such horse or animal is engaged in drinking.

Councilman McKay moved to amend by providing that signs should be erected over each fountain, informing the public of a fine for violation of the provisions of the ordinance ; which amendment was not adopted.

On motion by Councilman Morrison, section 2 was amended by substituting the words "ten dollars" for "fifty dollars."

The question being on its engrossment, the same failed to be engrossed.

The following entitled ordinance was read the second time, ordered to be engrossed, and read the third time :

S. O. 45, 1879—An Ordinance to provide for grading and graveling the second alley west of Noble street, from Lockerbie street to New York street.

And it was passed by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, VanVorhis, and Wiese.

NAYS—None.

Special Ordinances Nos. 38, 39, and 44, 1879, were referred to the Committee on Public Light.

Special Ordinance No. 47, 1879, was indefinitely postponed.

The following entitled ordinances were read the second time, and stricken from the files :

- G. O. 21, 1879—An Ordinance to require the owners, drivers, or persons having charge of Public Vehicles in the City of Indianapolis, to keep lighted lamps thereon at night time, with the number of the vehicle painted on such lamps, to stop or halt when so directed by the Marshal or any police officer, and providing a penalty.
- G. O. 36, 1879—An Ordinance to authorize the Treasurer of the City of Indianapolis to transfer the moneys collected as taxes on secreted property, or property not returned for taxation, to the account of the Street Improvement Fund of said city.
- G. O. 52, 1879—An Ordinance amending section 4 of an ordinance entitled "An Ordinance providing for the Compensation of the Officers of the City of Indianapolis, and the Officers and Members of the Police and Fire Departments of said city for the fiscal year ending May 31st, 1880," ordained and established May 20th, 1879.
- G. O. 61, 1879—An Ordinance to provide the Boards and Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk, and prescribing the Duties of such Clerk.
- G. O. 65, 1879—An Ordinance to repeal an ordinance entitled "An Ordinance to provide the Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk, and prescribing the Duties of such Clerk," ordained and established October 8th, 1879.
- S. O. 23, 1878—An Ordinance to provide for grading and bowldering the second alley north of Clifford avenue, running from Pendleton Pike to Brookside avenue.
- S. O. 48, 1879—An Ordinance to provide for grading and graveling Cypress street and the sidewalks thereof, from Olive street to the west line of Draper street.
- S. O. 49, 1879—An Ordinance to provide for grading and graveling Tennessee street, from Ohio street to Seventh street.
- S. O. 50, 1879—An Ordinance to provide for grading and graveling Meridian street, from New York street to Seventh street.
- S. O. 58, 1879—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Pleasant street, between Dillon street and Linden street.
- S. O. 61, 1879—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on John street, from Massachusetts avenue to Hanna street.

- S. O. 62, 1879—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Dorman street, from Michigan street to John street.
- S. O. 66, 1879—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Morris street, from West street to the Morris street bridge over White River.
- S. O. 67, 1879—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on West street, from Ray street to Morris street.
- S. O. 69, 1879—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Greer street, from Buchanan street to Stevens street.

REPORTS FROM COMMITTEES.

The Committee on Bridges, through Councilman King, submitted the following report; which was concurred in:

To the Common Council of the City of Indianapolis:

Gentlemen:—Your Committee on Bridges, together with a like committee from the Board of Aldermen, to whom were referred sundry motions, would respectfully report as follows thereon:

1st. Is a motion requiring us to enquire into the expediency of erecting a bridge over the canal on Seventh street.

We regard the erection of such bridge inexpedient at this time, owing to inadequate appropriations, and would recommend no steps be taken toward the erection of said bridge.

2d. Are three questions propounded for answers from our committees as follows:

1. The cost and kind of pine lumber used in the city's bridges.

The kind is a good quality of Norway Pine, and cost \$10.50 per M.

2. The cost and kind of Oak lumber that might be used.

There might be used burr oak, pin oak, red oak, black oak, and swamp oak, but white oak is the kind generally used, at a cost of \$12.00 to \$15.00 per M., delivered in the city.

3. Whether oak is not the cheapest and best.

Oak should be used for everything pertaining to bridges except for flooring, and pine at \$10.50 per M. is the cheapest for that purpose.

Respectfully submitted,

George King,
M. H. McKay,
Henry Bermann,
Council Committee.
H. E. Drew,
Aldermanic Committee.

The Committee on Finance, through Councilman Kahn, submitted the following report; which was concurred in:

Indianapolis, December 15, 1879.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Committee on Finance, to whom were referred sundry papers, would beg leave to report upon them as follows:

1st. Is an ordinance to provide for constructing a brick sewer (at the expense of the city), from the intersection of Coburn and East streets, on and along East street to Yeiser street; thence in and along Yeiser street to, and connecting with, the Madison avenue sewer.

We recommend that the further consideration of this ordinance be postponed until next spring, for the reason that the sewer can not be built during the winter months, and for the better reason that we have no funds, at the present time, for such an expenditure.

2d. Are the reports of the City Clerk and Treasurer, setting forth the receipts and expenditures for the month of November.

By comparison with the books of these officials, we find their reports correct.

3d. Is a request from J. T. Magner, M. F. Connett, G. S. Wright, W. G. Wasson, L. A. Fulmer, Dr. W. Wands, W. E. Jeffries, and T. N. Watson, for telephonic connection with their respective offices.

We would recommend that, in view of the many valuable privileges granted by the city to the Telephone Company, they be requested to put the same up free of charge.

4th. Are propositions from H. A. Moore and Tucker & Dorsey, to furnish and put up their respective street-guides upon all the lamp-posts at all cross-streets in the city.

While your committee is of opinion that either of the plans proposed is practicable, and that the city should (when her financial condition will permit), adopt some plan of street-guide, for the present we recommend no further action.

Respectfully submitted,

Leon Kahn,
H. J. Prier,
C. F. Wiese,
Committee on Finance.

That part of the foregoing report in relation to lettering streets, which was referred to the Joint Committees on Finance and Streets and Alleys, is concurred in by the Committee on Streets and Alleys.

Jno T. Downey,
Chris. H. Harmening,
John O'Connor,
Committee on Streets and Alleys.

The Committee on Judiciary, through Councilman Lamb, submitted the following report; which was concurred in:

To the Mayor, Common Council, and Board of Aldermen:

Gentlemen:—Your committee, to whom was referred sundry papers, report thereon as follows:

1st. The petition of Alfred and John O. S. Harrison, wherein they claim four hundred dollars against the city on account of the opening of Peru street.

Recommend the payment of three hundred and fifty dollars to petitioners, when they comply fully with the terms set forth in their petition.

2d. The petition of E. T. A. Akass, for seventy-eight dollars on account of horse and buggy breaking through defective bridge at Virginia avenue and Union tracks crossing.

Recommend that he be allowed the sum of sixty dollars on account thereof.

W. C. Lamb,
C. F. Rooker,
Jas. T. Dowling.
Committee on Judiciary.

The Committee on Public Health, through Councilman VanVorhis, submitted the following report and motion ; which was concurred in, and the motion adopted :

To the Mayor, Common Council, and Board of Aldermen :

Gentlemen :—Your Committee on Public Health respectfully submit the following motion, and recommend its passage.

F. J. VanVorhis,
M. L. Brown,
W. H. Tucker,
Committee on Public Health.

Moved, That the Board of Health be, and they are hereby, instructed to see that all vaults that should be emptied be attended to, now, during the winter months.

The Committees on Railroads, through Councilman Prier, submitted the following report :

To the Mayor, Common Council and Board of Aldermen :

Gentlemen :—Your Committee on Railroads, to whom was referred an ordinance permitting George R. Root to build, and maintain and use a railroad switch across the alley running north and south between Meridian and Pennsylvania and Georgia and Louisiana streets and the Union Railroad, would respectfully report that he be granted the right to build said track in accordance with the provisions set forth in the ordinance.

H. J. Prier,
C. F. Rooker,
Leon Kahn,
Council Committee.
H. E. Drew,
H. Seibert,
Aldermanic Committee.

By consent, Councilman Tucker presented the following remonstrance; which was received :

ADDITIONAL REMONSTRANCE.

Indianapolis, November 20, 1879.

To the Mayor, Common Council, and Board of Aldermen of the City of Indianapolis :

Gentlemen :—The undersigned, in addition to the signers of the remonstrance heretofore presented upon this subject, respectfully remonstrate against the granting of the petition of George R. Root to lay a switch across a certain alley named in the petition of George Root.

A. G. Porter, by G. T. Porter; M. Fitz Gibbon.
Finding our business interfered with, we renew our signature.
Hide, Leather & Belting Company; Wm. Dell;
S. Yandes; F. Stout & Son.

I remonstrate against granting Root's petition. Elizabeth V. Pierce.

We believe the placing the switch above referred to a detriment to the business interest of parties occupying the property on the square which the switch is sought to be placed.
Byram, Cornelius & Co.

The question then being on concurrence in the report of the committee, the said report failed to be concurred in by the following vote (His Honor, Mayor Caven, not being present at this roll-call) :

AYES, 10—viz. Councilmen Brown, Downey, Kahn, King, Lamb, McGinty, O'Connor, Prier, Rooker, and Shilling.

NAYS, 10—viz. Councilmen Bermann, Bieler, Dowling, Hamilton, Harmening, Morrison, McKay, Tucker, VanVorhis, and Wiese.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read and received :

To the Mayor and Common Council :

Gentlemen :—The Board of Aldermen, at a regular session, held on December 3d, 1879, determined to adhere to its former action in refusing to pass Ap. O. 61, 1879, "An Ordinance appropriating the sum of four hundred dollars, to be paid to the Chief of Police and Street Commissioner, to defray the expense of keeping and maintaining a horse and vehicle by each of said officers."

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

Councilman Bieler offered the following motion ; which was adopted :

That a Committee of Conference, consisting of three members of the Common Council and three members of the Board of Aldermen, be appointed to reconcile the difference existing between the two bodies respecting Appropriation Ordinance No. 61, 1879, and that said committee be instructed to report at the next regular meeting of the Council.

The Chair appointed Councilmen Bieler, VanVorhis, and O'Connor as the Council members of such committee.

The following message was read and received :

To the Mayor and Common Council :

Gentlemen :—At the regular session of the Board of Aldermen, held on December 3d, 1879, the City Attorney, to whom was referred (by said Board, on November 5th, 1879) the following clause in the report of Board of Public Improvements (concurred in by your body, November 3d, 1879), viz.:

"2d. Is a motion that your Board report to the Council the best price that can be had for the strip of ground, belonging to the city, on the east side of Pine street, immediately south of St. Clair street, or what good use it can be put to by the city.

We recommend that the City Clerk be authorized to advertise the above mentioned property for sale, and the proceeds of said sale to be turned over to the City Treasurer—bids to be received until Monday noon, December 1st, 1879."

submitted the following report, which was approved :

“ Indianapolis, December 3, 1879.

To the Board of Aldermen of the City of Indianapolis:

Gentlemen:—In the matter of the proposed sale by the city of a certain strip of ground on the east side of Pine street, immediately south of St. Clair street, supposed to belong to the city, I beg leave to report that I have examined the records and proceedings, but have not been able to find any ground at the point named belonging to the city which is not now used for street purposes.

Respectfully submitted,

JOHN A. HENRY, City Attorney.”

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read and received:

To the Mayor and Common Council:

Gentlemen:—I herewith transmit to your honorable body certain papers, which originated in, and were favorably passed upon by, the Board of Aldermen at its regular session, held on Wednesday evening, December 3d, 1879, for your action upon same.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following motion [adopted by the Board of Aldermen—see page 725, *ante*] was read, and referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, directed to clean the gutters on Morris street, from White River to the J., M. & I. R. R., and fill the chuck-holes on the said street, with coarse gravel or broken stone.

The following motion [adopted by the Board of Aldermen—see page 725, *ante*] was read:

That the Joint Committees on Public Property be, and are hereby, authorized to purchase 250 trees, and to set out the same in Military Park—the cost for trees and setting not to exceed \$60.00.

And this body refused to concurrently adopt the same by the following vote:

AYES, 5—viz Councilmen Bieler, Hamilton, Shilling, Tucker, and VanVorhis.

NAYS, 15—viz. Councilmen Bermann, Brown, Dowling, Downey, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, and Wiese.

The following entitled ordinance [passed by the Board of Aldermen—see page 726, *ante*] was read the first time:

G. O. 67, 1879—An Ordinance requiring the Indianapolis, Cincinnati & Lafayette Railroad Company to employ and station a Flagman at the point where the tracks of said company cross East street.

Councilman Lamb moved to suspend the rules, for the purpose of placing the ordinance on its second and third reading and final passage.

Which motion failed of adoption by the following vote:

SIG. 67.

AYES, 9—viz. Councilmen Bermann, Harmening, Kahn, King, Lamb, McGinty Prier, Rooker, and Shilling.

NAYS, 11—viz. Councilmen Bieler, Brown, Dowling, Downey, Hamilton, Morrison, McKay, O'Connor, Tucker, VanVorhis, and Wiese.

MISCELLANEOUS.

Councilman Bieler presented the following petition; which was referred to the Joint Committees on Judiciary and City Assessor:

Indianapolis, December 15, 1879.

To the Mayor, Common Council, and Board of Aldermen:

Gentlemen:—The undersigned petitioner, respectfully represents that he is the owner of parts of lots 4, 6, and 7, in square sixty-three, City of Indianapolis. That the improvements thereon are assessed entirely too high, according to valuation of other buildings in similar condition, and therefore asks your honorable body to give relief from said onerous valuation for the year 1879.

Your petitioner will ever pray.

ALBERT GALL.

Councilman Brown offered the following motion; which was adopted:

That Robert P. Dunning and Jas. W. Hudson be, and they are hereby, granted sixty days' further time in which to complete their contract for improving Prospect street, from Dillon street to Reid street.

Councilman Dowling offered the following motion; which was adopted:

That the City Marshal be directed to notify the owner of the property on the northeast corner of Maryland and Illinois streets, to repair the sidewalk in front the aforesaid premises. Failure on the part of the owner of said premises to repair the sidewalk within ten (10) days, the Street Commissioner be then directed to repair the walk at the expense of the owner.

Councilman King offered the following motion:

That the Chief Fire Engineer be directed to sell all balky horses owned by the city, and purchase reliable horses in their place.

A motion to lay the foregoing motion on the table, failed to be adopted by the following vote:

AYES, 10—viz. Councilmen Bieler, Brown, Downey, Hamilton, Kahn, Morrison, McKay, O'Connor, Rooker, and VanVorhis.

NAYS, 10—viz. Councilmen Bermann, Dowling, Harmening, King, Lamb, McGinty, Prier, Shilling, Tucker, and Wiese.

His Honor, Mayor Caven, was not present during the above roll-call.

The original motion was then referred to the Committee on Public Property.

Councilman King offered the following motion; which was adopted:

That the Street Commissioner be directed to notify owner of property No. 321 Indiana avenue to repair the sidewalk in front of his property. If not done within ten days after notice, the Street Commissioner be directed to repair the same, and collect the cost of same from the owner.

Councilman King offered the following motion :

That the Board of Public Improvements be, and are hereby, ordered to pay the street laborers the sum of \$1.25 per day.

Which was adopted by the following vote :

AYES, 20—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Hamilton, Harmening, Kahn, King, Lamb, Morrison, McGinty, McKay, O'Connor, Prier, Rooker, Shilling, Tucker, Van Vorhis, and Wiese.

NAYS—None.

Councilman Lamb presented the following petition ; which was received and the prayer of petitioners granted :

To the Mayor, Common Council, and Board of Aldermen :

Gentlemen :—The undersigned, auctioneers and commission merchants, at No. 75 S. Illinois street, hereby make application for auctioneers' license for the term of one year, with privilege of having licenses issued quarterly, such licenses to be issued to us by the City Clerk, in accordance with the requirements of the laws on that subject.

JOHN GUSTIN & Co.

Councilman Morrison offered the following motion ; which was referred to the Board of Public Improvements :

That the Board of Public Improvements be, and are hereby, requested to put down a double stone crossing, of the usual width, at the intersection of New York street and south side of Indiana avenue.

Councilman Morrison offered the following motion ; which was adopted :

That the City Marshal be, and is hereby, instructed to notify the I., C. & L. R.R. Co. to re-plank the crossing of said railroad on North street.

Councilman McGinty offered the following motion ; which was referred to the Board of Public Improvements :

That the Street Commissioner be directed to fill the chuck-holes on West street, from McCarty to Morris street, with good river gravel or broken stone.

Councilman McGinty offered the following motion ; which was ruled out of order :

That the Street Commissioner and Board of Public Improvements be, and are hereby directed to keep correct account of the expenditures of each Ward separate, in order to let the tax-payers of Indianapolis know how their money is used, and to report to this Council at their first regular meeting in May, 1880.

Councilman McKay presented the following petition; which was referred to the Committee on Streets and Alleys:

Indianapolis, Indiana, December 15, 1879.

To the Honorable, the Mayor, the Common Council and
the Board of Aldermen, of the City of Indianapolis:

Gentlemen.—Your petitioners pray your honorable body to cause to be laid out and opened an alley, of the width of twelve (12) feet, and of the length of 195 feet, running north and south from Market street to Court street, between Alabama street and the first alley east of Alabama street, beginning at a point in the south line of Market street, $7\frac{1}{2}$ [feet] east of the northwest corner of lot 4, in square 59, in the City of Indianapolis, Marion County, Indiana, running thence, south, parallel with the west of said lot 4, and at a distance of $7\frac{1}{2}$ feet east of the west line thereof, to the south line of said lot 4 (being 195 feet, more or less); thence, west, on the north line of Court street 12 feet; thence, north, parallel with the east line of lot 5, in said square, at a distance of $4\frac{1}{2}$ feet west of said east line to the north line of lot 5 (being 195 feet, more or less); and thence, east, on Market street 12 feet, to the place of beginning.

A plat of the real estate affected, and of said proposed alley, is herewith filed, attached hereto, and made a part hereof.

And your petitioners will ever pray.

THE FIRST GERMAN REFORMED CHURCH OF INDIANAPOLIS, IND.

By WILLIAM STOLTE,
HENRY RIECHENMEYER, } Trustees.
JOHN MAY,

Councilman McKay offered the following motion; which was adopted:

That in view of the fact that fully one-half of the applicants for medical treatment at the City Dispensary are women, and that at present they can not consult, if they desire a woman physician, that the Board of City Dispensary be, and are hereby, instructed to permit Mrs. Dr. Haverfield to practice at the City Dispensary.

Councilman Prier offered the following motion; which was adopted:

That the City Marshal be instructed to have General Ordinance No. 56 printed and posted in conspicuous places about the East and West Markets.

Councilman Rooker offered the following motion; which was not adopted:

That Edward Stuart be, and he is hereby, granted privilege to erect a wire sign, in front of his store, at No. 15 on South Meridian street, in this city. Said sign to be put up so as to be stationary, and not to conflict with existing ordinances on that subject.

Councilman Rooker offered the following motion; which was laid on the table:

Resolved, That the Joint Committees on Public Property be authorized to purchase 250 trees for the Parks of the city—said trees to be purchased at an expense for trees, etc., not to exceed \$60.

Councilman Prier was excused.

Councilman Shilling offered the following motions; which were adopted:

That the Street Commissioner be directed to examine Market street, at the intersection of Blackford street, and report to this Council if the same can be drained.

That the Street Commissioner notify the owner of property on southeast corner of Michigan and West streets to repair sidewalk, and place a new cellar-door at once, and if not done within ten days, such Commissioner is directed to do such work, and charge to the owner of such property.

Councilman Shilling was excused.

Councilman Tucker offered the following motion; which was laid on the table:

That the Joint Committees on Public Property and Parks be authorized to expend \$50 for the purpose of beautifying and fixing up the Public Parks of the city.

Councilman Tucker offered the following motion; which was referred to the Fire Board and the Superintendent of Fire Alarm Telegraph:

That the Superintendent of the Fire Alarm Telegraph and the Chief of the Fire Department be, and are hereby, directed to see that the Telephone Company do not overload the city telegraph poles, and that said company comply with terms of ordinance granting them the use of said poles.

Councilman Tucker offered the following motions; which were adopted:

That His Honor, Mayor Caven, be, and is hereby, requested to act with the Joint Committees on Judiciary and Finance, on the advertising for plans for City Hall and Market House, and to submit report from such Joint Committees at the next meeting of this Council.

Inasmuch as there are a great many persons hauling wood into this market in wagon-beds which do not conform to the ordinance regulating the sale of wood; Therefore,

Moved, That the City Wood-Measurers and the Police, together with the City Marshal, be, and are hereby, directed to enforce said ordinance.

Inasmuch as the establishing of a stone-yard, for the purpose of working city prisoners, was an experiment; therefore,

Moved, That the Street Commissioner and Board of Public Improvements report to this Council at its next regular meeting, whether it is profitable to the city to continue said stone-yard. Also, to further report, if not profitable, whether it is desirable to continue the experiment.

Councilman Rooker offered the following motion; which was laid on the table:

That the City Marshal be, and he is, directed to file against all parties violating the city ordinance on signs.

Councilman Wiese offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, directed to repair the streets of Chestnut, Union, and Meridian, to the amount of two hundred dollars worth, and be done at once.

Councilman Wiese offered the following motion; which was laid on the table:

That Mrs. Doctor Haverfield be allowed the extra salary allowed the Dispensary Doctors by Council to night.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: JOS. T. MAGNER, City Clerk.